

REMARKS

Claims 1-7 stand rejected under 35 USC 103(a) as being unpatentable over Kari (U.S. Patent No. 6,636,491) in view of Bouret (U.S. Application 2002/0101879). This rejection is respectfully traversed.

In the “Response to Arguments” beginning on page 2, paragraph 3, the Examiner states that “Kari et al do not specifically show that the ‘verification is based on a request sent to it from the external site relating to a network internal function, and further do not show that the request uses a function of another [i.e. second] network.’” However, the Examiner notes that Bouret discloses these features in paragraphs 18 and 31 (see, page 6 of the Office Action). Applicants respectfully disagree.

Kari a system with a GSM and a GPRS network wherein a mobile user wants to use a Internet access point to use some third-party service. Kari teaches, at col. 4, lines 17-21, that the GSM network only provides a physical connection between the mobile station and the support node. The GSM network contains a HLR, wherein subscriber data and routing information is stored. To access GPRS services, a PDP (Packet Data Protocol) activation procedure is run, and the MS is attached to the network (col 5, lines 6-8, 16-17 and 45-46). With further PDP context information, different data transmission parameters can be transmitted. Kari also discloses that anonymous access to the network is possible (see col. 6, lines 3-4).

Bouret is directed to how services can be provided for clients by external service providers. More specifically, Bouret states that the service provider offers a service at an interface and the entity makes a decision regarding acceptance of the offer (paragraph 18), and that the term “service” refers to a service or service component provided by any of the 3rd party providers 11 to 13, and that the term “user” of the service refers to any client who may use the service in then network side (paragraph 31). However, there is simply no disclosure of a verification “based on a request sent to it from the external site relating to a network-internal function, whether the request involves use of a function of a second network”, as required by the claimed invention. That is, while Bouret discloses use of a service provided by a 3rd (external)

party, it does not disclose that the request “involves use of a function of a second network.” Significantly, the invention seeks to obtain data stored in an HLR of the home (first) network based on a request from an external service provider (Se) via the second interface (S2) in the visited (second) network by setting up an service level agreement with the first interface (S1).

Further, even assuming *arguendo* that Bouret teaches that which the Examiner asserts, Applicants submit that one of ordinary skill in the art would not have been motivated to modify Kari in view of Bouret to “provide data communication services for users” because Kari is already directed to obtaining such results, as evidence in the Background of the Invention at col. 1, lines 16-34). The burden is on the Examiner to provide evidence of why one of ordinary skill in the art would have been motivated to change the way this goal is already achieved by the invention of Kari to employ the process disclosed in Bouret. Merely providing communication services for users is already achieved by Kari. The Examiner must point to something more specific which relates to the desirability of using the process which Bouret teaches which is not already taught by Kari. The alleged motivation for combining these references is so broad as to hold no relevant meaning with respect to the feature which the Examiner admits is not taught by Kari but which the Examiner believes is taught by Bouret and which the Examiner also believes would have been obvious to employ in the system of Kari. The Examiner has failed to do so and thus has failed to set forth a *prima facie* case of obviousness.

Additionally, the Examiner relies on improper hindsight and is improperly using the application as a blueprint for piecing together prior art references. One may not use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Even if all limitations are found in the total set of elements contained in the prior art references, a claimed invention would not be obvious without a demonstration of the existence of a motivation to combine those references at the time of the invention. “To reach a non-hindsight driven conclusion as to whether a person having ordinary skill in the art at the time of the invention would have viewed the subject matters as a whole to have been obvious in view of multiple references, the Board must provide some rationale, articulation, or reasoned basis to explain why the conclusion of obviousness is correct.” *In re Kahn*, 441 F.3d 977, 987 (Fed. Cir. 2006).

Accordingly, Applicants request that this rejection be withdrawn.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 118744-052.

Respectfully submitted,

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